

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:15-CR-147-FL-01

UNITED STATES OF AMERICA)
Plaintiff)
)
v.)
)
JOSEPH CHARLES MOORE)
Defendant)

SENTENCING MEMO

Mr. Joseph Moore made materially false statements involving international terrorism on March 19, 2014. Fortunately, those false statements did not impede any law enforcement investigation. Agents had embedded a confidential informant (hereinafter “CI”) in the social group that included defendants Avin Brown, Akba Jordan and Joseph Moore. Mr. Moore’s materially false statements related to events that occurred in the presence of the CI and the CI tape-recorded those same events. On the next day immediately following Mr. Moore’s false statements to agents (March 20, 2014), the government filed a criminal complaint against Avin Brown and Akba Jordan that led to their arrests and guilty pleas. Nothing Mr. Moore said or omitted when speaking to government agents affected when the government charged or arrested Avin Brown or Akba Jordan.

Counsel asks the Court to grant a downward variance based upon the following:

1. Mr. Moore did not impede law enforcement;
2. Mr. Moore’s acceptance of responsibility statement filed contemporaneously with this memorandum;

3. Mr. Moore's letters of recommendation filed contemporaneously with this memorandum;
4. Mr. Moore's lack of any criminal history;
5. Mr. Moore's good work history;
6. Mr. Moore's service to the community (see letters of recommendation); and
7. Mr. Moore full compliance with the conditions of his post-plea release.

Without the 12-point offense level increase identified in paragraph 37 of the Pre-Sentence Report (hereinafter "PSR"), Mr. Moore would be facing an advisory guideline sentence of 10 to 16 months (14 points – 2 points for acceptance of responsibility.) This 10 to 16 month sentence still specifically recognizes that Mr. Moore "[made] a Materially False Statement Involving International Terrorism." See PSR paragraph 36. Counsel asks the Court to vary downward and impose a sentence no greater than 10 to 16 months in custody.

Mr. Moore asks the Court to allow him to continue contributing to his community in the many ways described in his letters of recommendation. The Court could achieve this goal by assigning Mr. Moore to a halfway house or in-home confinement.

Finally, Mr. Moore will earn his associates degree from Wake Tech Community College upon completing his fall 2015 course work. If this Court imposes an active term of incarceration, please consider allowing Mr. Moore to report after he completes his final exams in December 2015.

Respectfully submitted this the 14th day of October 2015.

McCoppin & Associates Attorneys at Law P.A.

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CERTIFICATE OF SERVICE

I hereby certify that today, I electronically filed the foregoing document(s) with the Clerk of Court using the CM/ECF system which will send notification to the following:

Mr. Jason M Kellhofer
Assistant United States Attorney

Respectfully submitted this the 14th day of October 2015.

McCoppin & Associates Attorneys at Law P.A.

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